FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.176 OF 2006 IN APPEAL NO.46/2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.G.V.Bhagat for the applicant.
Mrs.M.H.Mhatre, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 27/2/2006.

P.C.

1. This is an application for grant of bail. The Advocate has filed compilation consisting of the evidence of two prosecution witnesses. The first witness is the prosecutrix and the second witness is the Investigating Officer. It is seen from the record that according to the prosecutrix, she was a married lady. Her husband used to leave the house at 7.00a.m. and used to return at about 10.00p.m. According to her, on 16.5.2004 she was residing on the third floor while the accused was residing on the second

floor. On that day the accused came to her house to collect the key and she returned the key. The accused again came to her house and raped her. He also threatened to kill her husband if she disclosed the fact of rape and thereafter left her house. She claimed that the said act was repeated after 6 days when her husband was not present in the house. Once again accused repeated the said act on 16.6.2004 at 10.30p.m. According to her as the accused was repeatedly doing the said act she disclosed the said fact to her husband. The complaint was filed one month after the first incident of rape on 17.6.2004. The complainant in her cross examination has admitted that her husband suspected her character and disliked her visits to the house of Shankar. On this background there is no medical evidence on record to show that there were any injuries found on the body of the prosecutrix. The accused was arrested on 18.6.2004. The applicant has undergone sentence of

more than 1.1/2 years since he was not on bail pending the trial. In the circumstances, I am inclined to grant bail to the applicant. It is therefore, directed that pending hearing and disposal of the criminal appeal, the applicant may be released on bail in the sum of Rs.15,000/- with one surety in the like amount subject to condition that he should report to Police Station Officer, Badlapur once in a week on every Monday. Application is disposed off.

(R. S. MOHITE, J.)